

REMARKS

Prompt and favorable allowance of the pending claims in the application is respectfully requested on the basis of the following particulars.

1. In the claims

In the Amendment to the Claims, claims 1-28 and 35-38 are canceled without prejudice or disclaimer. The applicant reserves the right to the subject matter of these claims and the opportunity to re-file these canceled claims in a continuation application.

New claim 29 is added to the application which essentially recites the subject matter of now canceled claim 1. In addition, claim 29 explicitly recites the steps of forming a layered floor panel using the readily understood the direct pressure laminate (DPL) process. The applicant described the DPL process in the reply to the previous office action.

Claim 1 originally recited the step of forming the layered floor via a DPL process but did not specify the steps involved. The applicant now includes such well-known steps in the body of claim 29.

Claims 30 and 31 are amended to depend from new claim 29.

New claims 41 and 44 recite the same subject matter as original claim 9.

New claims 42 and 45 recite the same subject matter as original claim 11.

New claims 43 and 46 recite the same subject matter as original claim 12.

New claim 47 recites the same subject matter as previously submitted claim 35.

New claim 48 recites the same subject matter as previously submitted claim 36.

New claim 49 recites the same subject matter as previously submitted claim 37.

New claim 50 recites the same subject matter as previously submitted claim 38.

In summary of the pending claims, the current claims comprise three different sets of claims, specifically:

- claims 29 to 33, and 44 to 48 recite a method for manufacturing a layered floor panel of the DPL type comprising an antistatic agent
- claim 34 recites a method for manufacturing a layered panel comprising an antistatic agent; and
- claims 39 to 43 recite a particular embodiment wherein the substrate of the floor panel comprises a gypsum plaster board.

Acknowledgment of entry of the Amendment to the Claims is respectfully requested in the next Office communication.

2. Rejection of claims 1-3 and 9-40 under 35 U.S.C. § 102(b) as being anticipated by WO84/02881 (*Berbeco*)

Reconsideration of this rejection is respectfully requested in view of the submission of new claims 29 and 41-50. As for claims 34 and 39-43, this rejection is respectfully traversed. In both instances regarding the treatment of the claims, the applicant submits that *Berbeco* fails to disclose or suggest every limitation required by the pending independent claims. The pending dependent claims are not anticipated by *Berbeco* on the basis of their dependency from the independent claims and their individually recited features.

a. Claims 29-33 and 44-48

While the applicant respectfully disagrees with the examiner's rejection of now-canceled claims 1 to 3, 9 to 28, and 35 to 38 as being anticipated by *Berbeco*, the applicant submits herewith new claim 29 which recites essentially the same subject matter of canceled claim 1 with the addition of the process step that is known to form

a DPL (direct pressure laminate). The applicant would further like to point out that new claim 29 is submitted so as to expedite the examination of this pending application, and to make abundantly clear the steps involved in a DPL process thereby eliminating any possible correlation of the method of claim 29 as encompassing a process that forms an HPL (high pressure laminate), as taught by *Berbeco*.

As distinguished by the applicant in the reply to the last Office action, a process used to form a DPL process is clearly different from a process used to form an HPL. While new claim 29 explicitly recites a process for forming a DPL, *Berbeco* only describes a process for forming an HPL. Therefore, *Berbeco* fails to teach all of the steps according to the method of new claim 29.

Since claim 29 is a method claim, it clearly describes how a DPL laminate floor panel is formed. Specifically, the formation of the floor panel is obtained by consolidating all of the surface and bottom layers together with the substrate to form a plate.

New claim 29 particularly requires the following step:

“stacking at least said wear resistant surface layer, said decorative covering layer, said substrate and said backing layer upon each other and consolidating said layers and substrate to form a plate-shaped direct pressure laminate (DPL) by means of hot pressing.”

Nowhere is there any such teaching described by *Berbeco*. Should the examiner maintain that *Berbeco* discloses a method including a step forming a DPL of the type expressly recited by new claim 29, the applicant respectfully requests the examiner to particularly point out in *Berbeco* where such a teaching exists. Absent any particular teaching, the applicant is unable to assess how *Berbeco* could possibly be construed to teach the method according to claim 29.

It will be further noted that should *Berbeco* be combined with another prior art document, such a combination must overcome the hurdle that there is no suggestion

or even hint in *Berbeco* of forming a layered floor panel using process steps that would result in a DPL. As a result, the applicant submits that one of ordinary skill in the art would never understand from *Berbeco*, whether considered individually or in combination with other prior art, to form a layered floor panel using a process that results in a DPL.

In the event that the examiner does not appreciate the differences between a DPL as recited in new claim 29 and an HPL as described by *Berbeco*, the applicant respectfully requests a personal interview with the applicant's representative so as to discuss these fundamental differences in light of the language required by claim 29.

Having made these observations on new claim 29, it is submitted that *Berbeco* does not anticipate or could render obvious every limitation required by claim 29. Therefore, it is submitted that new claim 29 and the claims dependent thereon be allowed in view of the teachings of *Berbeco*.

b. Claim 34

The rejection of claim 34 is respectfully traversed on the basis that *Berbeco* fails to disclose every limitation required by this claim. To be exact, *Berbeco* does not disclose or suggest a method having the steps wherein (1) an antistatic agent is first applied to a substrate or core by being sprayed in a solution, and (2) the agent is then dosed to the underside of a covering layer via its contact with the substrate.

In the action, the examiner fails to address claim 34 with any particularity. Pages 4 and 5 of *Berbeco*, the sole evidence in the action for the rejection of the claims, provides no teachings or even hint regarding the required steps (1) and (2) of claim 34, as described above. Moreover, the response to the applicant's remarks in reply to the Office action is devoid of any treatment to claim 34, especially in view of the fact that claim 34 does not have any requirements regarding a floor panel that constitutes a DPL.

While not taught by the cited art of record, including *Berbeco*, these particular features required by claim 34 provide for a simple manner of applying an antistatic agent to a layered floor panel. Standard resin-impregnated sheets can be applied, i.e., without an antistatic agent, while allowing for an electrically dissipative effect to be obtained in the layered floor panel.

In view of these observations, it is submitted that claim 34 is not anticipated by *Berbeco*. As a result, withdrawal of the rejection of claim 34 is respectfully requested.

c. Claims 39-43

The rejection of independent claim 39 is respectfully traversed on the basis that *Berbeco* fails to disclose every limitation required by this claim. Claims 40-43 are patentable based on their dependency from claim 39 and their individually recited features.

Specifically, *Berbeco* does not disclose or suggest a layered floor panel that has a core made out of a gypsum plaster board having an electrically dissipative effect using an antistatic agent.

In the action, the examiner fails to address claim 39 with any particularity. As with claim 34, pages 4 and 5 of *Berbeco* are provided in the action as the sole evidence for apparently rejecting claim 39. The rejection points to no teaching in *Berbeco* of providing a gypsum plaster board that has an electrically dissipative effect using an antistatic agent. Upon the applicant's review of *Berbeco*, indeed there is no such teaching *Berbeco*.

Should the examiner maintain the rejection of claim 39 in view of *Berbeco*, the applicant respectfully requests the examiner to particularly explain how *Berbeco* teaches a layered floor panel that has a core made out of a gypsum plaster board having an electrically dissipative effect using an antistatic agent. Absent any such teachings, the applicant submits that *Berbeco* cannot possibly be sustained as an

Application No.: 10/535,188
Examiner: Kiliman, L. B.
Art Unit: 1773

anticipatory prior art document as teaching the layered floor panel according to claim 39.

The applicant would like to point out that floor panels having the structure required by claim 39 are not known from the prior art. It has been found that gypsum board is more stable when subject to moisture than the core material of traditional laminated floor panels (e.g., MDF or HDF). It has been determined that gypsum board can be provided with a top layer with a decorative pattern and with coupling means in a similar manner to existing layered flooring panels. The top layer may comprise a synthetic material in which an antistatic agent may be uniformly distributed, as required by dependent claim 40. Such a discovery regarding gypsum board is not prior art.

In view of these observations, it is submitted that claim 39 and the claims dependent therefrom are not anticipated by *Berbeco*. As a result, withdrawal of the rejection of these claims are respectfully requested.

3. Conclusion

As a result of the amendment to the claims, and the aforementioned observations, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080

Date: February 22, 2007

Respectfully submitted,

/Justin J. Cassell, Reg. # 46,205/

JUSTIN J. CASSELL
Attorney for Applicant
Registration No. 46,205